



PROFESSIONAL WRITTEN (CADASTRAL) EXAMINATION
Friday, May 21st, 2010
9:00AM – 1:00 PM

TIME ALLOWED:	Four (4) hours
# OF QUESTIONS:	Nine (9)
TOTAL MARKS:	100
PASS:	65%

INSTRUCTIONS

Note: This is a closed book examination. No aids are allowed.

1. There are nine (9) questions. Please ensure that you have a complete copy of the examination.
2. Note the number of marks for each question before compiling your answers and allocate your time accordingly.
3. Place your exam registration number at the top right-hand corner of **each page** of your answers and on the front of each booklet. **DO NOT** write your name on or in the book(s).
4. Each answer must begin on a new page, however questions may be answered in any order.
5. Reference each response to its question number, including subsection.
6. Write only on the right hand side of the examination book. You may wish to use the left (unruled) side for calculations, etc., however anything written on the unruled side will not be considered during marking.
7. Do not write in pencil.
8. This examination must be returned to the invigilator with your answer book(s).

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Question 1

(15 marks)

Your firm has been retained to survey a 2 acre waterfront lot and the associated 1km right-of-way easement. The waterfront lot was surveyed in 1966 and described by a Plan of Survey attached to the original deed. The easement, had never been monumented on the ground but was described by metes and bounds description. The fee of the 2 acre waterfront lot was transferred to your client from the original owner. The original owner is also the owner of the land across which the described easement travels. The said easement is described in both the servient and dominant tenement's legal description. All lands are defined under the Land Registry System.

During the course of your field operations it was revealed that a portion of the roadway crosses over the servient lands onto adjacent lands then returns onto the servient lands. There is no other description or agreement on title between the adjacent land and the servient and dominant tenements.

- a) As a professional land surveyor, what questions would you ask yourself and the land owners in order to formulate an opinion as to the legal status of the portion of the roadway on the adjacent lands? (6 marks)
- b) After gathering all the oral, written and physical evidence available, describe some of the principles you would use to arrive at an opinion? (4 marks)
- c) What are some of the options your client may wish to pursue in order to gain a legal right over the adjacent lands? (5 marks)

Question 2

(10 marks)

You were retained to provide a reference plan for the creation of a 2 meter wide Gas easement. You asked your field crew to monument only one side of the easement with the required survey monuments, as per standards.

While doing the fieldwork, your crew cannot set monumentation along either limit of the easement due to physical features on the surface. Consequently the field crew set the monumentation on a 1 meter witness offset. A few weeks later the gas company places the underground service and removes a number of survey bars during the course of the placement operations. Two months later the gas company asks you to replace any removed monuments along the easement. Your field crew is now able to set the true corners and in the course of setting a monument the crew hits and punctures the newly placed gas line. The field crew calls you immediately to inform you of the accident.

- a) What are your obligations? (4 marks)
- b) Two months later you are presented with an invoice for \$10,000.00 for emergency repairs undertaken by the Gas Company and an accompanying letter explaining that you are at fault since you did not request an underground locate. The letter also states that all your past invoices will be held and that you will not be awarded

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further contracts until the matter is paid in full and would you please deposit the plan in the registry office.

How will you handle this situation? (6 marks)

Question 3

(10 marks)

In 2009, the owner of a 450 m by 300 m property fronting on the north side of a road received Land Division Committee consent to sever the land into three 150 metre properties, 150 metres being the minimum required width for a severance. A Reference plan was commissioned showing 3 Parts, and all 3 parts were then conveyed.

In November 2010, new homes were built within each of the three parts. You are asked to prepare individual Surveyor's Real Property Reports for each of the three parcels. On surveying the site, you find all four bars along the road. You also find the overall distance along the road to be correct however the distance between the two intermediate monuments does not reflect the distance shown on the deposited Reference Plan. The two intermediate monuments are found to be 0.4m west of the position shown on the said plan. The original field notes show no errors in the setting of the interior monuments.

As a surveyor, would the widths of the 3 lots shown on your SRPR's reflect the widths as shown on the original Reference Plan or would the widths of the lots reflect what you measured on the ground? Explain why?

Question 4

(10 marks)

A client has asked you to survey a farm that he has recently purchased. He intends to build a golf course on the property and subdivide estate lots to adjoin the course. One of the main reasons that he chose this property was because of a large creek that splits the farm and could be used to irrigate the golf course. The original crown patent made no mention of the creek but simply transferred the whole Township lot to a predecessor in title. As part of the survey you have to determine if the creek is navigable.

- a) In *Coleman v Attorney-General for Ontario*, (1983) Justice Henry set out a number of tests to determine navigability. Describe three of the tests. (3 marks)
- b) Assuming that the creek was deemed navigable what advice would you give your client with respect to his rights to use the creek for irrigation purposes? What issues would you have considered in forming your opinion? (3 marks)
- c) Assume that your client only purchased the lands on the South side of the creek. Your client acquired the property by use of a metes and bounds description that described his Northerly boundary as being to and along the South bank of the creek running through Lot 6 Concession 4 to the Easterly limit of said lot 6. Assuming that

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the creek is non navigable discuss how you would determine where your clients Northerly limit should be illustrated on your reference plan. (4 marks)

Question 5 **(10 marks)**

- a) Name five (5) types of plans for which the limits may be un-dimensioned. (5 marks)
- b) Name five (5) types of plans that create geographic fabric. (5 marks)

Question 6 **(8 marks)**

Mr. Smith phones for a verbal quotation for a 'mortgage survey' (i.e. a survey that would facilitate his receiving a loan from a financial institute).

You search your records and give a quote of \$800.00 for such a survey.

Mr. Smith then tells you that his mortgage broker will also accept Title Insurance and that this would only cost \$250.00.

What is your reply?

Question 7 **(12 marks)**

It is imperative that survey plans comply with the regulations as set out in Ontario Statutes. Prepare a checklist that can be used by your drafting department to help ensure that a Reference Plan will meet the criteria set out in the regulations. You will receive ½ a mark for each correct item – maximum score is 12 marks.

Question 8 **(10 marks)**

A property owner contacts you regarding the development of a 5-acre parcel of land in the town where your firm is located. The owner wants to build a number of freehold townhomes, and has had preliminary meetings with the Town Planner. Although the Town will still have to formally grant Planning Act approval and possible minor variance approvals, the Town is in favour of the development as it will meet current zoning for the property, with the exception that the Town does not want to assume responsibility for the new road that will be required to service the development. It is suggested that a Common Elements Condominium Plan be prepared for the new road within this site. The property owner has no experience in land development and asks for your guidance in explaining the steps that will be required.

Prior to meeting with the property owner, your initial investigation indicates that the property has recently been converted from the Land Registry system to Land Titles (Qualified Title) and that there has been no recent survey prepared of the property.

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Describe the professional services that a licensed Ontario Land Surveyor could provide for this project and give a brief explanation (referring to Statutes where appropriate) as to why this work is required.

Question 9

(15 marks)

- a) The Association of Ontario Land Surveyors relies heavily on its members volunteering time and expertise to participate on various Committees of the Association.

For three Committees of the Association of Ontario Land Surveyors, outline their mandate, and whether or not they are statutory. (6 marks)

- b) The Survey Review Department (SRD) was brought into being by Council of the Association in January 1986.
- i) What is the purpose of the Department? (2 marks)
 - ii) How does the SRD deal with a firm that does not respond to requests for information with respect to a Comprehensive Review? (2 marks)
- c) Survey firms maintain records of past surveys including survey documents and Plan of Surveys. What are their obligations for distribution to clients and/or members of the public? (5 marks)